

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

R.A. JR. (a minor child, by and through his)
Father and next friend, Richard Lemmel)
Arnold),)
Plaintiff,)
v.) Case No.: CV-3:06-cv-337-WHA
DEPUTY SHERIFF WALTER LACEY,)
In his official and individual capacity,)
Defendant.)

RESPONSE TO DEFENDANT LACEY'S MOTION TO COMPEL

COMES NOW, the attorney for R.A. Jr. and pursuant to the Courts Order files this response to Defendant Lacey's Motion to Compel.

1. Counsel for the Plaintiff has served a signed copy of answers to Defendants discovery by fax today, April 2, 2007.
2. The defendant did serve discovery questions to the plaintiff on February 20, 2007.
3. Defendant sent a letter reminding plaintiff that the discovery was due on March 26 and counsel for both parties spoke by phone on Wednesday March 28, 2007.
4. Counsel for the plaintiff explained to defense counsel that she had sent the typed questions and answers to her client and was waiting for his approval and signature. Defense Counsel asked if I could send a copy of the unsigned answers and I responded that I needed my client to review the answers and, upon his approval, would get them to him as soon as possible.
5. Arlene M. Richardson was out of the office all day Friday, March 30, 2007 and was not able to follow up with the client until today. The faxed answers have been served on the defendant and there is no prejudice to the defendant because of this delay.

6. Counsel for both parties have been working together successfully on discovery issues from the beginning of this case and Arlene M. Richardson had no intention of delaying or failing to respond to discovery. In any case, no harm has been caused by the eleven day delay in responding to the discovery.

WHEREFORE, plaintiff prays this Court DENY Defendants motion to compel as MOOT.

Respectfully submitted this the 2nd day of April, 2007.

s/Arlene M. Richardson
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CERTIFICATE OF SERVICE

I hereby certify that on April 2 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

C. Winston Sheehan, Jr. wsheehan@ball-ball.com, rsmith@ball-ball.com

And certify that I have hereby mailed by United States Postal Service the document to the following non-CM/ECF participants:

NONE

Respectfully submitted,

s/Arlene M. Richardson
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